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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
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10 THE ECLIPSE GROUP LLP,

11 Plaintiff,

12 v.

13 TARGET CORPORATION, et al,

14 Defendants.
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Case No.: 15cv1411-JLS (BLM)

**ORDER GRANTING INTERVENOR'S EX
PARTE MOTION TO EXTEND CERTAIN
DATES**

[ECF NO. 117]

16 Currently before the Court is Intervenor's April 19, 2017 *ex parte* motion to extend certain
17 deadlines [ECF No. 117-1 ("Mot.")] and Defendants' opposition to the motion [ECF No. 118
18 ("Oppo.")].

19 Intervenor seeks to continue the April 24, 2017 deadline for expert reports to May 22,
20 2017, the May 9, 2017 deadline for contradictory or rebuttal evidence to June 5, 2017, the May
21 30, 2017 deadline for completing expert discovery to June 19, 2017, and the July 19, 2017
22 Mandatory Settlement Conference ("MSC") to September 13, 2017. Mot. at 2, 4. In support,
23 Intervenor argues that he requires key information from Defendants "which is critical to the
24 expert's analysis and valuation of damages, and which so far Defendants have refused to
25 produce." Id. at 2. Intervenor also argues that his expert report would be incomplete without
26 the missing discovery and that there would be no prejudice to Defendants. Id. at 2-3. In further
27 support, Intervenor states that he has been occupied for the last two weeks preparing summary
28 judgment briefing in a copyright case in Los Angeles and that supplemental expert reports do

not make sense. Id. at 2-3. With respect to the MSC, Intervenor states that he is scheduled to begin a jury trial on July 11, 2017 which will conflict with the MSC and that he has a vacation planned for August 2017. Id. at 3-4.

On April 21, 2017, Defendants filed an opposition to Intervenor's motion.¹ Oppo. Defendants contend that Intervenor has already filed a motion seeking this relief that was previously denied by the Court and that the instant motion "does not substantially address the shortcomings of his prior *ex parte* application." Id. at 2. Defendants do not believe that the motion should be granted based upon Intervenor's pending motion to compel [see ECF No. 83] because Intervenor "is unlikely to obtain any relief on his motion[s]." Id. at 3. Defendants note that Intervenor has failed to specifically state which documents or information are relevant to his expert reports or to disclose the actual document requests upon which he bases his request for a continuance. Id. Defendants also contend that Intervenor has failed to explain how the information he seeks is necessary for his expert reports or why supplemental reports would "make no sense." Id. at 6-7. Defendants further contend that Intervenor should have included a declaration from his expert with his request for relief and that Intervenor himself is to blame for any delays in the rulings on his motions to compel for failing to comply with the Court's orders. Id. at 7. Finally, Defendants argue that Intervenor's current work load in other matters does not support a continuation of the expert deadlines. Id. Defendants do not oppose Intervenor's request to continue the Mandatory Settlement Conference, but note that it may be premature to continue the conference as Intervenor's case "may be decided on summary judgment or settle before trial." Id. at 8.

Intervenor's motion to continue the deadlines for expert reports, contradictory or rebuttal evidence, completing expert discovery, and the MSC is **GRANTED**. The Court notes that both Intervenor and Defendants have filed lengthy discovery motions and are vigorously opposing each other's motions. See ECF Nos. 83, 88, 91, 97-98, 100-101, 103, 105, 108-126. Given the inability of the parties to conduct discovery in a reasonable manner, the Court finds it necessary

¹ Intervenor states that Plaintiff "agreed to the relief sought." Mot. at 2 n1.

to continue the remaining dates as follows:

	<u>Current Deadline</u>	<u>New Deadline</u>
Expert Reports	April 24, 2017	July 28, 2017
Supplemental Disclosures	May 9, 2017	August 18, 2017
Expert Discovery	May 30, 2017	September 22, 2017
Mandatory Settlement Conference ("MSC")	July 19, 2016 at 9:30 a.m.	December 4, 2017 at 1:30 p.m.
MSC Briefs	July 10, 2017	November 27, 2017
Pretrial Motion Filing	June 20, 2017	October 20, 2017
Pretrial Disclosure	September 28, 2017	January 18, 2018
Memoranda of Contentions of Fact and Law	September 28, 2017	January 18, 2018
L.R. 16.1(f)(4) Meeting	October 5, 2017	January 25, 2018
Exchange Proposed Pretrial Order	October 12, 2017	February 1, 2018
Lodge Proposed Final Pretrial Conference Order	October 19, 2017	February 8, 2018
Final Pretrial Conference	October 26, 2017 at 1:30 p.m.	February 15, 2018 at 1:30 p.m.

All guidelines and requirements remain as previously set. See ECF No. 68.

IT IS SO ORDERED.

Dated: 5/23/2017


Hon. Barbara L. Major
United States Magistrate Judge